

NEWINGTON TOWN PLAN AND ZONING COMMISSION

February 4, 2009

Special Meeting

Chairman Cathleen Hall called the special meeting of the Newington Town Plan and Zoning Commission to order at 7:30 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Ganley
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Schatz
Commissioner Camerota

Commissioners Absent

Commissioner Casasanta
Commissioner Pruett
Commissioner Niro

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Pruett.

Commissioner Ganley: I'd like to move that we put this proposed settlement agreement forward, move it forward into the agenda, situated after roll call, but before public hearing.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with six voting YES

Proposed Settlement Agreement

**Linda L. Aieta & Michael Roche & Kathleen Roche
vs Town Plan and Zoning Commission, Town of Newington
and Three Angels Seventh Day Adventist Church**

Commissioner Kornichuk moved that the Town Plan and Zoning Commission accept the Settlement Agreement dated January 28, 2009, and hereby authorize Attorney Justin R. Clark to sign this agreement on behalf of the Commission when the following changes are made:

1. Throughout the Agreement correct Planning and Zoning Commission to "Town Plan and Zoning Commission."
2. Page 1, paragraph 1 delete "the Office of the Zoning Enforcement Officer and the Office of the Chief Building Official"
3. Page 2, paragraph #11 change units to "unit."
4. Page 2, paragraph #16 change "between the Parties" to "among the Parties" and "by both Parties" to "among the Parties."
5. Page 4; change Town of Newington to "Town Plan and Zoning Commission."

6. Page 4, bottom of page delete reference to "the Office of the Zoning Enforcement Officer and the Office of the Chief Building Official."

The site plan referenced in this agreement as Schedule B, prepared for Three Angels Seventh-Day Adventist Church by Hallisey, Pearson & Cassidy, Scale 1"=20' revised dated January 15, 2009 showing the HVAC unit located on the north elevation of Pane Road side of the site (northwest corner of building) shall be submitted to the Town Planner for review and signing by the Commission Chairman.

The motion was seconded by Commissioner Schatz.

Chairman Hall: Ed, do you have anything to add at this point?

Ed Meehan: No I don't.

Chairman Hall: Any Commissioners have any questions on anything?

The vote was unanimously in favor of the motion, with six voting YES.

Chairman Hall: Before we start on this first petition, I just want to state that I am a local realtor, but at this time I have absolutely nothing to do with this Peckham Farm parcel, I have no knowledge of anything except what I am going to be hearing this evening, so at this point I feel comfortable sitting in on this because I have no knowledge that I would ever be involved with anything on this parcel. Does anybody have any objection to that? You all feel comfortable? I have no knowledge of this, I'm going to be hearing all of this new tonight, and I've had nothing to do with any party associated with this. Thank you.
If the petitioner is here, come forward.

II. PUBLIC HEARINGS

- A. PETITION 01-09 – Deming Street (west side) former Peckham Farm parcel, Deming Street Associates, LLC owner and applicant, 145 Dividend Road, Rocky Hill, CT 06067 represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Unit #511, Rocky Hill, CT 06067, request amendment of Petition 74-06 Special Exception, approved April 25, 2007, for single family age restrictive homes, fifty-five or over. Section 3.19.2 PD Zone District.**

Jim Cassidy: Good evening, for the record, my name is Jim Cassidy, I'm a professional engineer and principle in the firm of Hallisey, Pearson & Cassidy located at 35 Cold Spring Road in Rocky Hill, Connecticut. I'm here tonight representing Deming Street Development, LLC. We are here requesting an amendment to Petition 74-06 a special permit that was approved for a development of a piece of property known as 119 Deming Street, the former Peckham Farm. At that time the property was approved for development as a nineteen unit, age restricted community, located off of Deming Road. The previously approved plan is over here on the right, we are coming back asking for a modification to that previous approval. I'm not going to get into the specifics of the site plan at this point, because that will come up later on in the application. What we are looking for, at this point is the amendment to the special permit. In the previous application it was determined that single unit detached structures, or houses would be permitted in the PD Zone on this property. We are proposing the same, we are proposing single unit detached homes with two car garages within, the difference in the plan is going to be, on the original plan there was nineteen units, on the new plan there is actually sixteen units. Why are we decreasing the units? What we are trying to do is, we went back, took a look at the site, we are trying to come up with some cost saving measures to bring down the overall development cost. In addition too, we are

trying to improve on the units. When we started marketing this project, prospective buyers, one of the concerns that came up was the size of the units, tended to be too small, so they wanted something a little bigger with certain amenities in it which increased the size, so we are going up on the size of the units slightly, which would increase the value of the units slightly. So it is still going to be an age restricted community, active adult, 55+, but it's going to be less units.

Now as part of the special permit process I believe that there are some items that need to be gone through to prove that this is approved for a special permit.

The first is the need at the proposed use at this location. As I stated, this was already approved for a nineteen unit active adult community, all we are actually doing is decreasing the units. We are still finding clientele that are interested in buying it, but we are just trying to make it more marketable by making the units bigger, we still find a need for this type of unit. In town here I believe that you have one active adult development that is on line right now, this would be the second one and it was approved, there was a need back then and we still feel that there is a need, although the market is a little soft right now, we are still getting some inquiries on this and would like to go forward to develop.

The second one is the existing and probable future characteristic of the neighborhood in which the use is located. Same as last time, off to the east and off to the south are two residential developments consisting of single family residential houses. That remains, and we are proposing single family units so it kind of fits into the surrounding neighborhood. This is a kind of strange piece of property being in a PD Zone, which is the Planned Development Zone, it's actually off of the Berlin Turnpike. The Berlin Turnpike is up on the top portion here, and we have Walgreen's just off to our north, so it's a good transition between the retail uses along the Berlin Turnpike and coming into the residential uses along Deming Street. The piece off to the south is vacant land right now, it's also I believe PD Zone, I'm not exactly sure how that is going to be developed in the future, but I would assume that it is going to be some other type of residential development on that property, but we don't know at this point.

Size and type location of main and accessory buildings, in relation to one another and in relation to other structures in the vicinity. As I stated, to our east and to our north are single family residential houses, houses in the development across the street are in the area of about 2500 to 3000 square feet, we are also proposing to have single family residential age restricted housing. We are actually going up on the square footage of these units. On the original plan, they were looking to have units that had a floor area of about 1000 square feet. We are actually looking to increase our living area, floor area up to about 1450 or 1445 square feet, depending on units, there are two different unit styles. Actually in one of the units, unit style A, there is an option for a second floor for an additional 600 square feet, so it could go up to about 2000 square feet overall of living area. So what we are doing is making it more in line with what is in the surrounding area. It's going to be a little bit larger.

Traffic circulation, on the prior plan there was one entrance on Deming Street, basically coming in at the high point of the road, the road looped around, came back opposite Winding Brook Lane. There was the anticipation that if there was a sight line easement that could be obtained to do some clearing of the adjoining property to the south when that was done, the road would be extended, making a U-shaped road. We are going to be reducing the overall infrastructure, the roadway in the site. We are looking at just having one curb cut at that high point, there would be no need for that loop road to come back out and connect back out by Winding Brook Lane, so there would be no need for a sight line improvement in that area. It would be a safer entrance actually by just having that one entrance to the site.

Volumes of traffic, we anticipate that each unit will produce about ten trips per day, with the previous application you had 590 trips for a total of nineteen units. We are reducing it by about thirty trips, three units so we have about 560 trips per day, so we actually have less traffic with the revised development.

The next item is the accessibility to public water and sewer. There is public water up here at the intersection of Griswold and Deming, that would be extended down and into the development, and in addition to, there is a gravity sewer, manhole out there at the intersection of Waverly Drive

and Griswold that also can be extended down to our road and then back into our development. We do have the sewers and we did check with MDC and there is adequate capacity for storm drainage. Basically we are looking at doing something very similar to what we have done before, and with the previous development there was enough capacity within the system to handle the runoff. We are actually slightly reducing the impervious coverage with this development, so less impervious coverage, less runoff, we have slightly improved the situation with this development. For right now we are not proposing any signs with this development. We had talked about possibly doing a small wall sign out in the front, there would be no larger signs associated with it. We're looking at possibly doing a small stone wall with raised letters on it to be built into landscaping that is proposed as part of the site.

For lighting there is going to be typical, I shouldn't say typical, but there is going to be street lighting along the edge of the roadway, approximately every 200 foot there would be a pole, the poles would consist of a period style fixture on a fourteen foot pole, tapered aluminum pole, to fit into the characteristics of the houses that are being built on this site.

The other thing, how are we protecting the project from the neighboring properties? When you look to the south, we are separated by a brook, and a wetlands and some wooded area between us. That would remain, so it will provide buffering to the south, and presently there is no development on the southerly property. Along the east there is once again a large wetlands area. That wetlands area would remain along with the fifty foot buffer to it, so there is natural buffering in that area. Off to the north there is an existing large mound about twenty feet high of earth that kind of separates our development from the Walgreen's site, that also is remaining. Along the side of Deming Street, presently everything is cleared all the way into the site, there used to be a barn basically where this road is entering into the site, that has been demolished at this point. What we are proposing to do is to come back, and along the entire frontage from our road, all the way down to the wetland mitigation area, we are proposing to build a six foot high earthen berm. Along the top of that earthen berm we are proposing to plant a series of street trees, ornamental trees, some birches and also some evergreens. The street trees would all be planted along the top of the berm, the evergreens would be planted, interspaced between the canopy trees along the face of the berm, and then there would also be shrubbery planted all over the entire face of the berm, with some lower growth around the perimeter, such as junipers and flowering ground cover that would be planted around the perimeter of it. For unit number one, in this location, we're also planting some street trees that continue the theme all the way up Deming Street, basically up to the intersection. In addition, to, there would be some clusters of evergreen trees that would be planted to provide additional screening for the back of unit number one. Basically I believe that is really the sum of my presentation, for the special permit portion of this application unless there is anything else you think I need to add under the special permit portion of this application.

Chairman Hall: Ed, do you have anything to add at this time?

Ed Meehan: One of the items that the Commission should have submitted into the record is the condominium documents, homeowners association with the age restricted requirements.

Jim Cassidy: I contacted the lawyer, I was actually supposed to have them today, but he didn't get in touch with me, so I will have them by the end of this week.

Ed Meehan: Okay. Not sure all the Commission members were on the board when this was before you, and approved prior, but essentially the special exception got to the Commission by way of an interpretation of the Commission members giving the developer at that time an interpretation of what is permitted by special exception in the PD Zone, and as Mr. Cassidy has stated, the Commission did agree by consensus that single family detached homes are permitted in that zone. So this is the first time that I can recall that we have had residential uses in the PD Zone, and that was the result of that policy decision.

Chairman Hall: Questions from the Commissioners about what has been said so far?

Jim Cassidy: Can I ask one quick question, I also have the zoning data table, it is better to go over it as part of the special permit, or as part of the site plan?

Ed Meehan: The density and.....

Jim Cassidy: Yes, the density.

Ed Meehan: I would suggest the site plan, it's up to the Commission members but normally that's under site plan.

Chairman Hall: That would make sense, at that time. No other questions from the Commissioners. Okay, I guess we will have the public speak at this point. Anyone from the public wishing to speak in favor of this project? Anyone wishing to speak in opposition to the project? Come forward, state your name and address for the record, please.

Wendy Sparks, 100 Deming Road: I have been watching this project since they started removing the trees, etc., and I've watched coyotes run out from the area, they were actually hanging around the circle of Winding Brook Road and running back up towards Barn Hill. They now have no place to go. I have watched two eagles, which I will bring, I have a CD with audio on it, fly out from that area, come back looking for their nests, land on top of the house behind it, looking for their nests. I have brought pictures of what they are doing to, what is called the mitigation area which I know as a peat pond now, they are trying to fill in with asphalt and move it to the side. They are going there one day a week, whenever it rains or snows, mostly in the rain. Last summer nobody would show up, there would be one guy in a bulldozer trying to fill in a huge pond area, which is a natural spring pond. I'm not seeing any, where except where I'm looking at this, there are two houses placed exactly where this natural spring is. I live across the street, I have a birds eye view. I've put in complaints to the Health Department that they have been burying axles, and tires on this site, approximately where that house is, fourth one on the corner, right before the curve. There is a giant axle and four tires buried on it. I had the Health Department report, "the first time inspected the site, observed two tires, partially submerged in a small pool of water. Will contact manager to have them removed." Second time, "visited the site area, spoke to equipment operator", the only one that was ever there," about the tires. The tires were not visible or present at this time", because he keeps burying them. Third time, "drive-by, tires not present." They are now under about ten to twelve feet of mud. In the pictures, you can see the dirt that they are moving, they have now added more dirt to it. We have called them on two incidents. I have called them, because they start working at 6:30 in the morning, only allowed to work from 7:00 on. They say they are refueling their trucks. They are totally ignoring starting times, I've notified the Police Department, I gave up on calling.

Traffic problems are something that you have to deal with. I pulled out the entire year's worth of police reports but unfortunately it doesn't designate how many times there have been crashes. The pole that is at the corner of my house, I'm at 100 Deming, directly across the street, the pole at my house, right adjacent to Winding Brook has been hit twice in the past year. People come fifty-five miles around the curve and they hit it, especially in the snow. I'm concerned with where that street is going to come out, with the tree lines and so forth, it's going to make it more detrimental for people coming out of that street, to have people coming fifty-five miles an hour down that hill. They do not stay in their lane. They go in the opposite lane. The road would either have to be widened or straightened out. Also I'm concerned with, I looked on line, and I cannot find the company, Double C Construction listed or having a license at the time with the Department of Consumer Protection. Unfortunately, I do know of the record of the Chiulli Brothers out of Rocky Hill, and I'm concerned that the Town has not looked back into their record properly. I'm not sure, I'm not against building on the site. I do want the ponds preserved, I think

there should be less housing and I don't think that this particular company should be taking care of this kind of operation in Newington. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition to the petition? Anyone wishing to speak? My instinct is to keep it open, only because not everybody is here tonight so I would like to keep this open. Rebuttal?

Jim Cassidy: With respect to the, well the first thing I will talk about is the ponds. There was a wetlands application for the original approval to fill a small isolated wetlands area, which was located in here. That has been done at this point. They actually have started construction on this particular plan, this plan has been approved, it's filed, they have the right to develop that as it shows today. That area where material was brought in was at this, basically at this cul-de-sac which was being filled, the whole place had to be filled, that wetlands has already been filled. If there is peat in that area, or a spring, there is a requirement on the original approval that we work with the building department to provide geo-technical reports before we start construction of the actual roadway or we start construction of the individual units. That still is going to be held on this next element, we still have to provide that information when we actually start construction of those units, but that was already approved to be filled by the Wetlands Commission. We're back before Wetlands right now for a modification, we have another meeting on March 17th, and hopefully at that time, we can receive approval.

With respect to the displacement of wildlife, again, it's already been approved by the Wetlands Commission and I'm sure the wildlife is using the wetlands area of the site. We're not increasing the density or the encroachments into wetlands area, we are actually pulling back, so it's an approved plan.

With respect to dumping of improper material on the site, I was not aware of that until I heard it tonight, I will contact the developer and contractor on it, and make sure that they are aware of this because I wasn't aware of that, and I will make sure that it is addressed and also will contact the Town and see what kind of records there are on it and make sure it is taken care of, if there is anything we'll have to pull it out, and we certainly don't want to be selling units with buried tires and axels around, so we will have to pull it out.

With the respect to the contractor who is going to be doing the work, I really can't get into that. I know where their office is, I know a lot of projects that they do in the area, and I believe that they are registered with the Department of Consumer Protection, so I'm not going to get into that one. Hopefully that summarizes any questions that came up.

Commissioner Schatz: Where is this so-called spring, pond on the map.

Jim Cassidy: I believe the area that is being referred to is, there was a wetlands located, it was a depression located right in this area. When I read all the information on the previous application, I didn't do the previous application.....

Commissioner Schatz: On this end?

Jim Cassidy: Right, and when I read all the information this area at one time was a farm field, and when cows used to graze there, they kind of beat down the area, and water deposited here, water perked up through the ground there and became an isolated pocket of wetlands. The environmentalist determined it was not a significant wetlands, not worth saving, and they also got a ruling from the Army Corps of Engineers that was outside their jurisdiction, so they got a permit to fill that and that's actually a (inaudible) at this point.

Commissioner Schatz: Now, are these houses on slabs or foundations?

Jim Cassidy: Foundations.

Chairman Hall: Any other questions?

Audience: Can I say something?

Chairman Hall: Well, we had the opportunity, but come forward, state your name and address for the record.

Bernard Rooney, 25 Winding Brook Lane: I'm not very familiar with this project at all, but I want to mention something. I kind of take walks, I live on Winding Brook Lane, and I come up this way, there is a house over here, and sometimes when I walk there I notice that they have a well, it seems to be an aquifer in this area, because the well is overflowing, coming right out of the top sometimes. So there may be an aquifer in this area, that may be what she is referring to, and there are not too many aquifers around as you are aware, that's where you get really good water, because it's deep within the earth, and that may be bubbling up over here.

Another thing on this curve over here, I was walking one time, came out of the drive, and this truck came down, and this is very dangerous here, and he just lost control and he knocked the fire hydrant over. The pole has been broken, as she mentioned. But I did notice that well. That to me was a very important structure. Thank you.

Chairman Hall: Thank you. At this point we've had explanation, rebuttal, questions....

Ed Meehan: I think leaving it open is a good choice.

Chairman Hall: I am going to leave it open and with the blessing of the rest of the Commission, we will do that, we will leave this portion of the public hearing open.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes)

None.

IV. MINUTES

January 14, 2009

Commissioner Ganley moved to accept the minutes of the January 14, 2009 regular meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with six voting YES.

V. COMMUNICATIONS AND REPORTS

- A. Newington Park and Recreation Commission, proposed Badger Field concession stand and storage structure replacement – response to TPZ questions.

Ed Meehan: There was a, hopefully you got this in your last packet, the one that the meeting was postponed on the 28th, from Superintendent Bruce Till, the concerns were brought back to his office. I sent him a memo based on your conversation on January 14th, and Mr. Till reported in his memo of January 20th. Does everybody have that? Explaining what their approach is, to this, working with the Little League and why they are taking the concession stand out.

Chairman Hall: Any discussion on this, I mean, I know that was one of our concerns, was turning a concession stand into a garage.

Commissioner Schatz: It seems like, as Domenic said, it was a way for them to generate funds having the concession stand. Apparently they don't want it. In their report they said that the building was sort of falling down, beyond repair, so on and so forth.

Chairman Hall: We had talked about the door as it faces Walsh Avenue, it just looks like a garage, and they are saying if we made them turn the door on the west side, that vandalism would be a concern, because nobody would be able to see kids or whoever breaking in on the west side. They showed us pictures of what they are proposing to put there, and essentially it's a barn shaped garage with an overhead door. Other comments, questions?

Commissioner Schatz: Through the Chairman, to Ed, so they take this one down, they put this building up, and now they want a concession stand, they have to, what do they have to do then, or they do nothing, or just install it?

Ed Meehan: No, they would have go back to the Building Department and put a kitchen in there and meet the code for a kitchen. They would also work with Central Connecticut Health District for the requirement for that.

Commissioner Schatz: So they would have to come back.

Ed Meehan: Yeah. This same issue has come up recently over at the football field and it has come up at other places where you are serving a pretty high volume of public food. You have to have waste water, you have to have a system to get rid of the waste water, a water supply, the Fire Marshal may be involved if you do a lot of frying, cooking inside.

Commissioner Kornichuk: If I remember correctly, this has no windows in it either, so they would all have to go through the garage in order to.....

Ed Meehan: This is basically a utility building to store their equipment. They will have an irrigation system with a timer inside, the controls will be there, and that's it. So they will store probably the bases and maybe batting equipment for the kids, things like that.

Chairman Hall: This is actually a utility building.

Ed Meehan: Yes, they have one over at Clem Lemire, exact same building at Clem Lemire.

Chairman Hall: Any questions, comments?

B. Newington Town Council – 8-24 Referral proposed lease of town property at Anna Reynolds School for cell tower use.

Ed Meehan: That was discussed at your last meeting, I shared my staff report at that time, and I've prepared a draft suggested motion for the Commission's consideration.

Chairman Hall: Everybody have a copy of that? Now, we still haven't heard back formally from the Board of Ed, right? I mean, they haven't addressed this yet. Are they waiting for us?

Ed Meehan: The Town Council is waiting for Planning and Zoning under 8-24. The Planning and Zoning Commission returns these comments, well you have to return the comments to the Town Council, yea or nay, or with recommendations. Then the Town Manager would be authorized to work with the Board of Ed and negotiate a lease arrangement with Omnipoint. The Board of Ed, through the Superintendent's office would have input on the issues of parking, and student safety and timing of this construction. So that is negotiated outside of this Commission.

Chairman Hall: Any questions on this? We kind of went through this before with the High School. This one I think is a little more visible.

Commissioner Schatz: I know it, and there is all ledge up in there. I'm just thinking, you know, could be a money maker for the Town, so my thinking is if it's sitting on the Board of Education, it's on town property, town property is town property, even though the school is there.

Ed Meehan: Right. The revenue stream from this tower I believe the arrangement would be similar to the other tower in town, where it goes into the radio replacement and upgrade which both Board of Ed and general Government share.

Chairman Hall: Okay, any feelings on this, at this point? I don't see anybody making a motion.

Ed Meehan: Well, you need to respond to the Council within thirty-five days, either this motion, or some other motion because they need direction, at least from the land use side of this. The negotiation of the lease cost and so forth will be out of the town manager's office.

Chairman Hall: Do you want to wait until next time to get the whole crowd back here, but I don't see that anything is going to change between now and then.

Ed Meehan: I know that the Council is carrying it on their agenda. I think it is on their agenda for February 10th. You meet on the 11th, we're out of cycle with them right now.

Commissioner Schatz: So this comes up under Old Business.

Chairman Hall: Yes, we have to move this to Old Business. But I need a motion to do that.

Commissioner Kornichuk moved to move the 8-24 Referral to Old Business. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with six voting YES.

VI. NEW BUSINESS

A. PETITION 49-08- Lot 5 Costello Road, Raymond Gagnon applicant, 3287 Berlin Turnpike, Newington, Amigo Corporation, 299 John Downey Drive, New Britain, CT 06053 owner, represented by Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 8,000 sq. ft. building, PD Zone District, Inland. Continued from January 14, 2009. Inland Wetlands Report required.

Alan Bongiovanni: Good evening, Madam Chairman, Commission, Staff, for the record my name is Alan Bongiovanni, 170 Pane Road here in Newington representing Raymond Gagnon, Gagnon Electrical Contractors. We were here before you last month and I think we made a fairly complete presentation. We are still in the process with the Wetlands Commission and we would expect an action from them on the 17th. A couple requests were made, or one request was made of the Commission from the owner, and that was what the equipment looks like. Here's a couple of photographs, of a couple of pieces and I'll pass these around. They are drill rigs, and he has one other truck that's a little bit bigger than this, it's out of state, he couldn't get a photo to me in time, it's over the road licensed through the motor vehicle department equipment, so it's nothing outrageous, oversized, and that is what he plans to store in the building. I talked with Mr. Meehan in regards to the one hundred foot setback problem for outside storage. Talked with the applicant, this area here is not absolutely a necessity for his operation, so we would be willing to take the gravel equipment storage yard and one hundred feet from the property line and remove

that from the site plan so that he complies with all the regulations of the Town of Newington. We are also going to remove the dumpster up to that location, back corner of the building, so the building acts as a screen and it will be put on a concrete slab. Other than that, we have I believe addressed the comments from the Town Engineer and I'm sure we will have a report from the Commission prior to the next meeting, and hopefully if there is nothing else we can this approved.

Ed Meehan: Do you have building elevations with you? If not, I've got.....

Alan Bongiovanni: I don't have the elevations with me, I did provide those at the last meeting.

Ed Meehan: This is going to be a steel and block building.

Alan Bongiovanni: Correct.

Ed Meehan: Four overhead doors face west, and I think on the phone you said that, walk the Commission through the mechanicals, so that

Alan Bongiovanni: The front wall would be the west elevation, or what you would see as you drive into the building. This is really a utilitarian building. It's for one purpose and that is to store and maintain his equipment, there is a pass door on the southwest corner of the building, there will be a small office area, if you choose to air condition that, it would be either a through the wall unit for a couple hundred square foot office, or a small condenser on the ground. There is no intended equipment for the roof of this building, other than maybe a bathroom vent, and maybe a vent from a space heater or something like that, for a gas fired unit. That's what the building is going to be comprised of. It's a garage for the storage and maintenance of his equipment with a very small office.

Chairman Hall: Questions? What color is the building going to be?

Alan Bongiovanni: I believe he is going with a grayish block and I can provide that for you for the next meeting. They are colors that I am going to say, stand the test of time, it's a, I don't want to color them earth tones because you get the idea of brown, but in the grayish family with a little darker color of the panel on the top.

Chairman Hall: And the roof:

Alan Bongiovanni: The roof is going to be a, probably a standing seam metal roof that will not be visible from the road.

Chairman Hall: No, but Cobblestone will.

Alan Bongiovanni: Yes, it's going to be a light colored aluminum type metal roof, it's a pre-engineered building that they are going to build here.

Chairman Hall: Light color?

Alan Bongiovanni: Yes.

Chairman Hall: Questions?

Ed Meehan: I think because of the adjacent residential, I believe that your site plan shows wall packs, is that still the intention with this building?

Alan Bongiovanni: Yes.

Ed Meehan: You have a couple of wall packs.

Alan Bongiovanni: Wall pack here, and actually this one would be removed, we would put wall packs over here, just to light this up. The wall packs as well can be downshielded light so they don't provide fusible light into the neighboring areas.

Ed Meehan: Is there any need to light the utility yard?

Alan Bongiovanni: No. The main purpose for this, as we were laying out the site, I said, you know, when the vehicles come in, his intention is, pull forward and then they can back in and access all those areas, that's how this was sized. As we were looking at it, you will see, he has a trailer and things and said, you know, we may want to park a trailer or something so it's not in the way as they are bringing the equipment in. That was the intention of creating this area here. He can work without that gravel area.

Chairman Hall: And you are saying that those rigs can fit inside that garage?

Alan Bongiovanni: Yes.

Chairman Hall: Even with that huge boom?

Alan Bongiovanni: Yes. The building is, the size of the building is 80 feet deep, by 100 foot wide. Those rigs run sixty to sixty-five feet deep, there is going to be a fourteen foot overhead door. Those are the dimensions that are allowed to travel over the road on the highway system.

Ed Meehan: Thirteen six I think is the maximum.

Chairman Hall: That boom is even outside of the picture.

Ed Meehan: But it can't be more than thirteen six or it would be knocking every bridge down.

Chairman Hall: Any other questions? Ed, do you have any other....

Ed Meehan: No.

Alan Bongiovanni: Thank you.

Ed Meehan: We need to hear from Conservation and then you can act on this.

Commissioner Pane recused himself from Petition 50-08.

B. PETITION 50-08 – Corner of Pane and Maselli Roads, (west side) White Birch Crossing, LLC, owner and applicant, 638 Church Street, Newington, CT 06111, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 23,340 sq. ft. single story building PD Zone District. Continued from January 14, 2009.

Alan Bongiovanni: Again for the record, Alan Bongiovanni, 170 Pane Road, Newington, representing White Birch Crossing, LLC. We presented this site plan to you at your last meeting. We explained I think in fairly good detail the intent of the developer which is to ultimately build an industrial complex that looks like our conceptual on the right. Their immediate plans are, and we

are asking for approval for phase one of this development, first building as shown on our site plan. At that last meeting, Michael Pane with the development company spoke a little bit about the architecture. He's added some detailed notes to the elevations, Mike, if you want to come up, he also has some actual color samples of the stone aggregate that would be put on these pre-cast concrete panels for the building construction. Here are several copies to pass around.

Chairman Hall: Pictures but no actual....

Michael Pane: No, I can't get a sample, it's too heavy, concrete, about 150 pounds.

Alan Bongiovanni: Those are photographs of the two aggregate that is cast into the panel, that gives you more of a representative idea of what this building is going to look like, the color of this building.

Chairman Hall: What is the building in town that has this? Can you tell me which one it is, I can see it, but I can't place it. It's gray.

Alan Bongiovanni: There are a few buildings in town that have been built with this style of construction, the pre-cast panel and brought to the site, I'm trying to think, I believe, on Holly Drive, I believe on Holly Drive the opposite the data center, I believe that is part of that building they have aggregate pressed in, or shot into the concrete face of the building. I'm trying to think what else might be.....

Chairman Hall: It's like MJ, something or other, but anyway, I'll pass it in the next week or so.

Alan Bongiovanni: It might be part of the old Loctite facility, may have some of that style of finish to it..

Ed Meehan: These are tilt outs, aren't they, the panels?

Michael Pane: Yes.

Chairman Hall: There are some that have the scoring at the bottom?

Michael Pane: Yes, these are basically the 4107 one, is right here at the entryway, more like a brick looking accent, and then the field is the 4090. They come in different versions, this one has the raked finish it's called, vertical ribs, they make them look like (inaudible) finish, depends on what you select.

Alan Bongiovanni: Since our last meeting we have had the opportunity to meet with the Town Engineer and address their comments. We did get some technical comments yesterday regarding the actual drainage report. I talked with Mr. Ferreira today and he felt that it was a technical request on their part to clean up the drainage report prior to the next meeting.

Chairman Hall: Ed?

Ed Meehan: My staff report was addressed at the last meeting. There are some changes of a technical nature that I need to work with Mr. Bongiovanni on, some of the notes, the parking count, those sort of items and the applicant will be able to prepare mylars of the elevations?

Alan Bongiovanni: Yes. The developers have been in the process of selecting an architect to actually prepare the construction drawings. We can provide a mylar of this, as I recommended

on the phone, when the architect is, and this would be with the site plan, prior to building permits being issued, more detailed actual architectural elevations would be provided and on mylar.

Ed Meehan: Okay, so at this point all we need is something like that on mylar.

Alan Bongiovanni: Yes.

Ed Meehan: For the land use approvals and then for building and construction purposes, you know, your typical.....

Michael Pane: We will have a set of permanent documents.

Ed Meehan: With the modifications and the completion of the engineering report on drainage, I'm set.

Chairman Hall: Any other questions?

Alan Bongiovanni: Thank you very much.

Commissioner Pane returned to the table.

C. PETITION 02-09 - Deming Street (west side) former Peckham Farm parcel, Deming Street Associates, LLC owner and applicant, 145 Dividend Road, Rocky Hill, CT 06067 represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Unit #511, Rocky Hill, CT 06067, request amendment of Petition 75-06 Site Plan Development, approved April 25, 2007, for single family age restricted homes, fifty-five or over, Section 5.3 PD Zone District. Inland Wetland Report required.

Jim Cassidy: Good evening again. My name is Jim Cassidy with the engineering firm of Hallisey, Pearson & Cassidy here tonight representing Deming Street Developments, LLC who are presently the owners of an existing approved active adult community which is located at 119 Deming Street. Once again this site on the right is the existing approved plan that was I believe approved by this Commission some time last year. At that time it was approved for a nineteen unit active adult community in which there was the road configuration which basically started at a high point on Deming Road, came off the high point, looped around, it was going to come back and intersect opposite Deming Road but there would be a temporary cul-de-sac until such time as grading rights can be obtained.

What I am here tonight seeking an amendment to that original site plan. Let me just back up and explain why we are doing this. When I got involved in the project I was actually hired to do the portion of getting the Metropolitan District approval for this site and when we started preparing the plans and analyzing things, we ran into some pretty expensive costs, one being the pump station that was required for this development. I don't know if members of the Commission are aware or remember but what happened with the sanitary sewers in this development is it comes off an existing manhole out here at the intersection, comes southerly down to Deming Street, came into the development a little way by gravity sewers but then the remaining portion of the project all had to be serviced by a pump station. That pump station was being located in this area, was going to pump sewage back up to the gravity line and then continue gravity back to Griswoldville Avenue. Prices on that pump station were running anywhere from \$150,000 to \$200,000 by the time we were done, so I was asked to take a look at it and see if there was a way to shake the plan out and possibly reduce that cost. In addition to I worked with some other projects, we were trying to get a different appearance rather than have a linear feel of units along the road, we were trying to get a different appearance with the houses clustered around a common area at the end of the

development, which I will show you a picture of shortly. And also, a way to reduce the infrastructure cost, so with the revised plan that you are looking at, the first thing that I have done, I have eliminated the pump station. How do we do that? We are still providing gravity sewer off that manhole, up this site, up into our development to a point of about right here we can get gravity sewers, all these units serviced by gravity sewers. There are seven units at the back of this development that would have individual grinder pumps. Those seven units would discharge through a low pressure force main up into the gravity sewer, and then the gravity sewer would continue on up into Deming Street. No pump station required. The MDC, I cleared it with the MDC and they are a lot happier, they don't have to take over a pump station, maintain it, we have seven individual grinder pumps that become the responsibility of the individual unit owners which substantially reduces that cost.

In addition too, if you take a look at the road configuration for this site, there is 450 feet of road. In the original plan, there was approximately 800 feet of road, plus the future extension to make that connection. We are reducing 350 linear feet of road which also offers some additional savings for the development. What is that all doing, it's bringing down the overall development cost, unfortunately due to the economic times, we need to kind of reduce some of the costs to make the project more viable to continue forward.

One of the other things that we looked at doing with respect to buyers coming in and looking at the original plans, there was concern about the size of the living area. A lot of the living space in those units was about 1000 square feet, plus the two car garage. The amenities, the size of the rooms, a lot of people were saying that it seemed to be a little too small, they wanted something a little bit larger. So we took some different plans from some different projects that we had done, in surrounding towns, and developed some new unit plans for this particular development which I will go over shortly. But what you find is that our living area on the first floor for all these units are going to range from about 1445 square feet up to about 1450 square feet. There is one unit, unit style A which has a possibility of having two bedrooms upstairs to allow an additional area of about 600 square feet, getting up to about 2,000 square feet which seemed to be more in line with what people were actually requesting.

The other thing that you will notice on this site plan, compared to the original plan, there was two unit styles. There was a unit style with the garage in front, and there was a unit style with the garage to the side. The width of those units varied dramatically, one was about forty feet wide, and the other was about fifty-five feet wide. With the development plan that we are looking at, you will notice that all the footprints are almost identical. The only difference is, there is a variation in the front porch on these units. So what happens, if someone is buying an unit and they don't like A, they want B, they can switch from one to the other so they can be interspersed, fitting within the same footprint. In addition too, you will notice that on the back there is a small x'd out area, that is an area of a possible deck, or a possible sun room that could be added to it so there could be some addition living area that could be picked up as part of the development. So the big change in the overall development was number one, reducing the overall cost, increasing the unit size to make it more financially feasible. As part of the changes, we are going to have the one curb cut, there is not going to be any need for that second curb cut so without having the need for that second curb cut, we are proposing to expand the wetlands and mitigation area that was originally approved as part of the wetlands permit. In addition to there is a green line represented on this plan, that indicates an area of conservation easement that was around the wetlands area, that will also be expanded. So the overall conservation easement will be expanded.

What happens, how do we get this thing to work? If I take the original plan, and overall layout over my plan, basically you can see, what I did was to take the area at this intersection and kind of pushed it, shaped it up into the project, having to push these units back closer to the road, but the overall units don't extend much further than they originally were approved for. Now that puts these two units where the back of the units are up near the road, that was a concern of mine when we were developing it, the appearance of these units as you look at it from Deming Street. What we are proposing to do in this area is build a six foot high earthen berm. Along the top of

that berm we are proposing to plant a series of canopy trees. Those canopy trees will be a two and a half, three inch caliper planting, which typically equates to a twelve foot planting height. So it will take a while for that to grow in, but over time you will get a nice dense buffer. In addition to, there are some paper birch that will be planted along that berm, let me just put up the landscape plan, one second.

This is a copy of the revised landscape plan that is part of this application. You can see what we are doing, we are concentrating the majority of our landscaping along Deming Street to the right of this buffer, between the back of the units and Deming Street. This will basically be a six foot high berm, we're proposing to put a series of canopy trees along the top of the berm, there is two, four, six canopy trees, and interspersed along those are river birch that will be planted along the top of that berm, and then there is also an occasional evergreen that is planted in. Down slope of those trees on the front and the back there are a series of shrubs that are planted, and then along the perimeter edge of it there is a series of lower growth such as creeping junipers, different kinds of ivy that would creep along the ground and along the back there is also some ornamental cherry trees that are planted along the back of the slope. So, you have the six foot high berm, and then we have the planting on top of it, now, how does the six foot high berm work in relation to the units? If you were to take a look at the road elevation, the six foot high is basically based on the road elevations, six foot higher than the road. When I take a look at the units, the top of berm ends up to be about five and a half feet above the top of the finished floor of those particular units. What happens is that the back side actually slopes down, the grade is lower on the back side than it is at the road, so there is a little drainage system that is along the back of these units to make sure that the water disperses off into that drainage system and doesn't collect in the units, so basically you end up with a berm right off the start that is five and a half feet above the back elevation of the, the floor elevation of those units. Then you have landscaping on top of it, the trees that are planted will be about twelve feet high, I do understand that they are going to take a while to grow in, but over time you are going to have a nice buffer in that particular area. Within the project itself, we are proposing to create a streetscape consisting of canopy trees along the entire roadway, all the way around the perimeter of the cul-de-sac in addition to, we will have ornamental trees planted within the center island of the cul-de-sac. What we are trying to achieve, I have another project that we did in Rocky Hill that is under completion, where we have a large island, or a large cul-de-sac at the end, we have a large island in the center of it, and then we have the units dispersed around the cul-de-sac. Just to show you a picture of the project in Rocky Hill that was taken this summer, it wasn't complete, the road isn't paved and the landscaping wasn't completely done at that point. This is the cul-de-sac, the landscape island in the center, the only real difference in that one, that's a sixty foot diameter, sixty foot radius on the cul-de-sac, this is actually a seventy foot radius, so this overall cul-de-sac is bigger, the actual island in the center is bigger. Those units are spaced on twenty feet on center, not twenty feet on center, twenty feet apart, which is the requirement here, the same spacing on these units, so you are looking at a similar configuration. That is the kind of appearance that we are trying to achieve with this particular development.

For zoning requirements in the PD Zone, for this type of development we need to have a minimum of five acres, we're at 7.381 acres, so we exceed that requirement. In addition to, we need seventy feet of frontage along the town road, we are at 993.97 feet of frontage. Our maximum building height is allowed to be four stories, we put in the zoning chart that it's two stories. If I could just pull up an elevation of a couple of the units that we are looking at, they are actually not even two stories. These plans should be in your packet, these are the two different elevations for Unit A and Unit B. The one on the left would be Unit A. Basically what you are looking at is a one story structure, basically it's a ranch, but there is the option of having a room upstairs, so on the first plan, Unit A, this is the one where there is an actual staircase that would go upstairs, there is the option for a den and bedroom on the second floor, so it actually classifies this as either a one and a half or a two story unit. This is the front elevation of the unit. It is proposed to have a two car garage in front of it. In the unit itself for building materials we are actually looking at doing a vinyl four inch clapboard type of siding on the lower portion of the site,

or on the lower portion of the building, and then on the peaks we are looking at using a cedar impressions type vinyl siding that would match the same color as the vinyl down below. All the windows would be double hung, with grills within the window, we're also looking at possibly using some type of a synthetic stone accent within that front porch. This is the front porch section on this particular unit, the door is offset to the right, so you walk in, there would be a foyer, the stairway is up to the upstairs. In this particular unit you would end up with a full dining room downstairs, a nook downstairs, a larger master bedroom, and the living area, along with the kitchen. These are the two side elevations for that particular unit, and then you have a rear elevation off to the back, once again, this area in the back would be a family room, this would be the master bedroom, this would be the dining nook to the center of that. As I also stated, there is the possibility of having the expansion of either a deck off the back or a sunroom in the rear portion here we have added additional elevation of what it would look like if we added the sunroom to either one of these plans, so that is an option that can be added to most of the units in the development.

Unit B, basically the ranch, there is no option for any additional space upstairs, very similar in the front appearance. You have the two car garage with the single door, we have a peak over the garage and another peak that extends over a smaller porch over the front entrance, then there is no porch beyond that point. Once again we would be using the vinyl siding with the four inch exposure, clapboard and then the cedar impressions on the peak portion along the front portion of it, then possibly some sort of stone accent on the lower portion or maybe around the door area on many of those units. For colors on these particular units we are proposing to use all light colors such as yellows, whites, tans, and possibly a light gray. No dark colors are proposed as part of this overall development. As I stated in the zoning chart, we noted it as a two story max, really they are one and a half and one story units.

Otherwise for zoning, the site area that we need to have for dwelling unit is 4500 square feet, with the seventeen units divided by the 7.381 acres, we are actually at 20, 095 per dwelling unit, for building coverage, maximum allowable is twenty five percent, we are at 9.96 so we are well under that requirement, for open space, we need to have 200 square feet per unit, times sixteen units that's 3200 square feet. We are proposing a common area, towards the south end of the property, near the wetlands and also near this wetlands mitigation area. That area consists of about 6900 square feet, it's almost double what we need to have. As part of that, we are proposing a gazebo, to be constructed, and also if you take a look at our overall circulation I should mention that we are proposing sidewalks along the entire frontage of Deming Street, all the way out to the intersection of Griswoldville Road. In addition to that sidewalk, we are proposing an internal sidewalk system along the edge of the roadway and off the end of that sidewalk we are also proposing a path that feeds off that end of the sidewalk through the common area and then back out to the Deming Street sidewalk so it's an internal circulation of sidewalks, and then you have this sidewalk as part of the common area, as part of the overall development.

All the other items are easy to achieve. There's a thirty-five foot setback. From reading the previous minutes from the last application on the question of where the setback is measured from, whether it's measured from Deming Street right of way, or whether it's measured from the pavement of the development, we are proposing that it is measured from the pavement of the development, which I believe was approved as part of this, so all of these units are at least thirty-five feet back from the pavement. The one thing I should note about the previous picture that I had up, I'll just point out in this picture to give you an idea of what it looks like, once again, those units are twenty feet apart, but they are actually twenty-five feet back from the edge of the pavement, so the units in this development are actually about an additional ten feet back from the edge of the pavement, just to give you a little perspective of what the final product may look like. We can meet the requirements for the twenty-five foot side yard around the perimeter without a problem, and also the thirty-five foot rear yard is not a problem. As I stated, the minimum garage set-back is thirty-five feet, so each of these are easily thirty-five feet back from the edge of the pavement and then for parking we are required to provide two parking spaces per unit. Each unit

has a two car garage, so you have parking within the garage, and then most of them have a double wide parking lot, driveway, so that gives you cars in the driveway, or if you have a single driveway there is an area big enough to accommodate two cars in front, as it were. This is a single driveway with a little turnaround to get back out, so both of these have an area big enough to accommodate two cars, so they can actually get four cars in front of each unit, or two each unit if necessary. In addition to, the roadway itself has a twenty-eight foot pavement width which is typical to a town road, so worst case, if someone has some company, there is an area where they can park in front of the unit, a couple of cars in front of the units can accommodate additional parking.

The minimum building separation we need to provide a minimum of twenty feet between each unit, that was easily provided as part of the site plan. For other things, we have utilities, I have already gone over, we are doing sanitary sewers, for water, we are extending the water up from Deming Street, up to the road and then back into our site, there would be a hydrant provided at the back portion of the site, we'd also be putting in underground electric, telephone and cable as part of this development. For lighting, we are proposing to put a period style fixture along the perimeter of the road, basically at about a two hundred foot interval, those lights would be mounted on a fourteen foot high pole, an aluminum pole ground to match the character of the light fixture that is put on top of that.

Storm drainage, everything was discharging out through the storm water quality swale at the back of the project on the original plan, it's exactly the same. It's the exact same design that was on the original plan. It's all being discharged to a plunge pool, a storm water quality swale that would be cleansed before it continues on to the wetlands. The only thing that is different is that there are less catch basins because there is less road that needs to be constructed. It's also being discharged to a storm water quality structure to help to remove pollutants before discharging to that storm water quality swale.

Then the big thing is I guess the traffic on this. We felt that this was a lot better scenario having the one curb cut out to Deming Street. You heard from a lot of the residents that cars travel a little fast along Deming Street, and this is a very difficult corner. On the original plan there was a restriction that that connection could not be made opposite Winding Brook Lane until such time as they could achieve the sight lines, with this layout, we don't need to worry about that any more. We are bringing it up to the high point, have an excellent sight line looking to the north, looking to the south, we don't need to worry about that restriction at this corner any more. So we thought it was a much better fit for the site.

But to summarize again, the main purpose in asking for all these revisions is to reduce the cost of the overall development, to make it more financially feasible to do the development and also improve the quality and the value of the units that we're putting in this development. So with that I conclude and I would be glad to answer any questions that you might have.

Chairman Hall: Ed, do you have anything to add at this point?

Ed Meehan: The important thing with this site, I think Mr. Cassidy has hit on the highlights, is the maintenance of the open space, wetlands, conservation area to the south that wraps around the back of this because it carries a fair amount of storm water from Barn Hill as part of a wetlands system that starts over in Rocky Hill and goes down through Barn Hill and goes underneath the Berlin Turnpike. This plan maintains that and the other important template, so to speak on this plan to maintain is the backside as it tucks up underneath Walgreen's. I believe the prior plan had some retaining walls in that area, I think this plan eliminates those.

Jim Cassidy: No....

Ed Meehan: Are you still doing retaining walls there? On your grading plan?

Jim Cassidy: There was a retaining wall in this location on the prior plan. We still have a retaining wall, but it's been substantially reduced. I believe the original retaining wall had a height of from eight to nine feet, we are at a height of about four feet at this point maximum.

Ed Meehan: Okay, so the tree cutting limit doesn't go any further. That's really the best protection that this development will have from Walgreen's parking lot and the adjacent Berlin Turnpike. I think this plan is a better plan as far as the layout on the property, fits the terrain better, and the fact that there is no additional entrance on Deming Street across from Winding Brook is an important safety feature.

Chairman Hall: Questions from the Commissioners?

Commissioner Schatz: Now you talked about, how many units are going to have pumps on them?

Jim Cassidy: Seven.

Commissioner Schatz: Seven. Now, this will pump the waste water up to the gravity feed. Are these grinding pumps?

Jim Cassidy: Yes, grinding pumps.

Commissioner Schatz: And if they malfunction they will set an alarm off in the house?

Jim Cassidy: Yes there is a system in the house.

Chairman Hall: Other questions? Who is going to be taking care of the lawn, the snow and the center island?

Jim Cassidy: They will be contractor hired by the homeowner association. They are responsible for all the landscaping maintenance, mowing of the lawn and plowing and removal of snow.

Chairman Hall: So it would be part of their homeowners association fee.

Jim Cassidy: Correct.

Chairman Hall: So they are not individually responsible for it.

Jim Cassidy: No.

Chairman Hall: And that berm, you said it was six feet high, how wide, because you are going to be planting trees across the top of it.

Jim Cassidy: It's six feet high, so that is going to make it about, it's a three to one side slope on it, so it's going to be about thirty feet wide overall at the base.

Chairman Hall: And as far as the water, that seems to be a recurring theme, and that also tends to be where everything drains from Barn Hill, Winding Brook, whatever. It's frozen now, and it's been frozen since December, but whenever there is a thaw there is a little pool that appears over there. It looks as though some of those houses are sitting right on it.

Jim Cassidy: As I said, this was a wetlands area.

Chairman Hall: No, a little bit farther, it's a little bit different shape. They're still working on that, they may have to cap it, drain it, whatever?

Jim Cassidy: Well, number one, we're going to have to have a geotechnical report done for the foundations, to make sure that we have a suitable footing underneath it so it would support it, if it is peat, peat is not a good thing to put a foundation on, so we need to provide that, and if they encounter high ground water, or a spring in that area, we're also going to have to put in additional measures such as curtain drains to drain the water out. There is a drainage system that runs along the back of these units that that can be tied into. The other point I should make, there was a concern if these were foundations or slabs on grade. These are basements. The original grade in this area was elevation 130, the basement floor for that unit is at 132, so it's actually slightly above that original wetlands grade, so it's not like we're going to dig a hole down into the water, it's going to be elevated up from it.

Chairman Hall: And where is this project?

Jim Cassidy: It's in Rocky Hill, it's referred to as Country Meadow and it's at the corner of Elm Street and Gilbert Avenue.

Chairman Hall: That's what I thought.

Ed Meehan: Those seven units, are those walkouts?

Jim Cassidy: Yes.

Ed Meehan: Those are the walkouts.

Jim Cassidy: These are the, well actually these are walkouts all the way up to I believe it is unit number three, so these are all walkouts. The walkout stops at number thirteen, these four would not be walkouts.

Chairman Hall: And number one and two would not be either?

Jim Cassidy: One and two are not.

Ed Meehan: Is that going to be standing water where your two blue areas are?

Jim Cassidy: There will be about six inches of water, what will happen is on the westerly side, they are graded all the way back to the brook, so nothing is going into the brook, so as the water elevation builds up it fill up, as the water goes down it flushes out. We also have some additional receiving water to this larger mitigation area, basically from the roof leaders of the six units and the rear yard drainage. There is a small drainage system it discharges into so it's basically clean water going into it. All the dirty water on the street, drainage water is discharging through a storm water quality structure down into a plunge pool and then through the water quality swale before it discharges into the wetlands.

Chairman Hall: Any other questions?

Ed Meehan: You are working with the Town Engineer on any utility cuts for Deming, are those going to be off the road or.....

Jim Cassidy: In the road.

Ed Meehan: They're in the road. Sanitary is in the road, right?

Jim Cassidy: Water is too.

Ed Meehan: Okay.

Jim Cassidy: One thing I should point out, we are still before the Wetlands Commission. Our next meeting is March 17th, we hope to receive approval at that meeting. I don't know what the schedule is for this Commission. I think you have another meeting, is it next week, or the week after?

Chairman Hall: Next week again.

Jim Cassidy: Next week, so I would assume this item would not come up on the agenda.

Ed Meehan: Well, you left the hearing open, you could, I suppose you could wait, you could continue your hearing next week or the first meeting in March and then close it and just wait for Wetlands, so it won't be up for a vote until after.....

Jim Cassidy: The only reason I ask if that I won't be here next Wednesday so, if you could wait until the following meeting.

Commissioner Pane: You didn't close the public hearing, right?

Chairman Hall: Correct.

Commissioner Pane: Well, you might want to keep the public hearing open again if he is not going to be here, because he won't be able to respond.

Chairman Hall: Right.

Ed Meehan: We'll carry it on the public hearing call.

Chairman Hall: This won't be until March. You said it was the 17th? The 17th that you are before Wetlands?

Jim Cassidy: Yeah, I won't be back by then, but we've got everything worked out and someone else is filling in for me that night.

Chairman Hall: All right, if there are no other questions, thank you.

Jim Cassidy: Thank you.

VII. OLD BUSINESS

- A. PETITION 48-08 Newington Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT 06111 Attention: Edmund Meehan, Town Planner, request for Zone Regulation proposed Section 6.13 Accessory Apartments, permitted in R-20 and R-12 Zone Districts by Special Exception. Public hearing closed January 14, 2009. Sixty-five day decision period ends March 20, 2009.**

Commissioner Kornichuk moved that Petition 48-08 - Newington Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT 06111 Attention: Edmund Meehan, Town Planner, request for Zone Regulation proposed Section 6.13 Accessory Apartments, permitted in R-20 and R-12 Zone Districts by Special Exception be postponed to February 11, 2009.

The motion was seconded by Commissioner Ganley.

Chairman Hall: Discussion? The reason that I would like to see this postponed is again, we are working with not quite a full compliment tonight. This is an important issue and I think before we take any type of formal voting on this I'd like to have as many people here as possible. I know Pete is not going to be here next time, but we know his feeling on this, he's been vocal, which is good, you are on the minutes and let everybody know. We have a couple of people who are fairly new to it, so I'd rather wait, but it's up to the Commission. Other discussion on that?

Commissioner Camerota: I agree with waiting, we're missing a couple of people, it would be nice to have full discussion about it.

Chairman Hall: I really do.

The vote was unanimously in favor of the motion, with six voting YES.

8-24 Referral

Anna Reynolds School Proposed Property Lease – Omnipoint Communication, Inc., - Cell Tower

Commissioner Schatz moved that the TPZ report to the Town Council its favorable support for the lease of approximately 2,500 square feet of land for a cell tower compound and a 12 foot wide unpaved access road to Omnipoint Communications, Inc at the Anna Reynolds School, 85 Reservoir Road;

The purpose of this ground lease is to construct a 150 foot monopole cell tower.

The Commission suggests the Town Council consider the following recommendations:

1. The monopole tower should not be less than 170 feet from the southwest corner of the school building.
2. The 50 foot by 50 foot ground compound should be secured by an 8 foot chain link fence.
3. The design of the proposed new parking spaces should be approved by the Board of Education, constructed by Omnipoint under the supervision of the Town Engineer.
4. The cell tower unpaved accessed road should be secured by a lockable gate.
5. The service drive to the cell tower shall be maintained by Omnipoint.
6. Prior to construction of the access drive and ground compound Omnipoint's contractors should flag the limits of clearing for approval by the Town Engineer. If determined that compound or access drive location will encroach into the 100' Inland Wetland buffer application should be submitted to the Newington Inland Wetlands Agency.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Discussion? Just because we refer this doesn't make it a done deal.

Ed Meehan: No.

Chairman Hall: The Council has to deal with it, and the Board of Education has to deal with it, and the Building Department does too, and the Town Engineer as far as siting.....

Ed Meehan: The Siting Council.

Chairman Hall: Yes, the Connecticut Siting Council. This is just referring it to Town Council for further discussion and study.

Ed Meehan: This is the real estate part because under state statutes they can't enter into an easement or a lease agreement without the Commission's approval, or if you don't approve it by a two thirds vote.

Chairman Hall: Any discussion on this?

The vote was unanimously in favor of the motion, with six voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ February 11, 2009 and February 25, 2009.)

- A. Petition 03-09 – Proposed Zone Regulation amendment, Section 3.2.1 churches and places of worship. Permitted in all zone districts by Special Exception. Request to add the following: Places of worship when permitted by special exception be allowed to have residential quarters (for a family.) Area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or accessory to the permitted principal use. Sudhakar Nargardeolekar AIA applicant, 330 Roberts Street, East Hartford, CT 06108-3654.

Chairman Hall: Remember, next week, we have two weeks in a row because of the storm last week, hopefully we won't have too many more. Petition 03-09?

Ed Meehan: That is a zone change that affects all districts in Newington because places of worship are permitted in all zones by special exception so it's been referred already to the Capital Region Council of Governments and the Central Connecticut Regional Planning Agency for inter-town referral. They have up to 35 days to respond so that is why a public hearing date hasn't been set yet. It probably wouldn't be until the second meeting in March.

Commissioner Ganley: What is the source of this?

Ed Meehan: The source is a private party petitioning the Zoning Commission to change the regulations.

Commissioner Ganley: Is there some kind of church affiliation?

Ed Meehan: This particular church affiliation is the Temple on North Mountain Road, the former K of C building.

Commissioner Ganley: Okay. I take it then that their intentions are probably to put a living quarters somewhere in that building, okay, thank you.

Chairman Hall: And so far that is all you have received for next week?

Ed Meehan: I think an application came in late this afternoon, I'll have to check that. There's a couple of things in the works but nothing, none of the projects of the typical work load that this Commission has had many times, many years in the past. It's just not coming in.

Chairman Hall: Well, nobody is building.

XI. PUBLIC PARTICIPATION

For items not listed on agenda)

None.

XI. REMARKS BY COMMISSIONERS

Commissioner Kornichuk: Ed, is somebody new going into Quick-Stop?

Ed Meehan: Not that I know of, I believe it's being listed for sale.

Commissioner Kornichuk: I was going to say, because they are in there. Last night, I don't know what time the two cars finally pulled out of there. I know all of the equipment is being yanked out of there.

Ed Meehan: I think it's getting ready to be sold.

Commissioner Schatz: I think they were cleaning it out. It's on the computer, the listing for that property.

Commissioner Pane: Madam Chairman?

Chairman Hall: Yes.

Commissioner Pane: On the outline that we received for the 2006-2016 Plan of Conservation and Development, we received an outline here and number one is data collection and written analysis, November 2008 to March 2009 where we have to review the 1995-2005 Plan of Conservation. Seems like we have the dates off a little bit because we haven't even started the review process of the Town Plan.

Ed Meehan: That is the information that I have been providing to the Commission since November, the various components.

Commissioner Pane: I understand. At one point we talked over, when we first started almost a year ago, that we were going to go through the entire 1995 Town Plan, page by page and go through it a little bit at a time, so that we could make policy changes if we wanted to, and discuss the different aspects of it and so on, but we haven't started that process yet. Just wondering when we were going to.

Ed Meehan: Well I think, normally you would start getting into policy and strategy discussions after you finished this data collection and analysis so that would give you some planning concepts and foundation to see if there are some policies that emerge out of that. I think what the schedule calls for there is, we finished the review of each of the components except the future land use component. We did that sort of backwards. The map on the left up there is the existing land use and what I've done is gone through each strategy and given the Commission like a status report, what has been accomplished, what hasn't been accomplished, so after we finish our data collection I think that's a couple of meetings to sit down and go through those and the strategies

that haven't been finished. If the Commission still wants to keep those active is to make sure that we talk about modifying those or reinvestigating how you want to implement those. Let me give you an example; strategy for Cedar Street roadway improvements. A couple of intersections on Cedar Street have not been completed, the big one being Maple Hill and Alumni. That was in the prior plan. Is that a strategy, a traffic improvement that you still want as a policy guide? This Commission supported it and if you feel you want to support it put it back in your plan. You may want to look at some of the opportunity sites that we identified over a year ago, and think about land use changes for those for redevelopment. I was going to talk a little bit about that under my staff report, but I can get into that later, but we are moving forward. I did take the Commission's direction on talking with the consultants, I have some information to report on that. I can do it now or later, whatever the will of the Commission is.

Chairman Hall: Let's do that under Staff Report and take care of Hunter first and then we will get to the Plan of Conservation and Development, if that's okay.

Ed Meehan: It's fine with me.

- A. Hunter Development Company, LLC – Shoppes at East Cedar Street: Proposed amendments to joint motion and stipulation for approval of Settlement Agreement, May 14, 2007, Michael Friesbie, P.O. Box 366 East Long Meadow, MA 01028.

Ed Meehan: Let me just introduce this because I think Mr. Friesbie is in the audience. This is back before the Commission, Hunter Development was here a couple of meetings back and a presentation was made by Michael Friesbie on the status of his project, introducing the idea of amending the stipulated agreement which was arrived at between the Commission and Hunter Development to permit the gas station/convenience store to come back into the project as one of the site components. There was criteria in the agreement on how that would come about as far as other c.o.'s and buildings being ready on the site, bonds being posted, before the c.o. for the gas station was listed, not listed, permitted, to be used for occupancy. In the interim, after that meeting, Mr. Friesbie who was here with his attorney that night, e-mailed me a proposed amendment to the agreement and I reviewed that, I have my comments tonight and Mr. Friesbie is here, did you get my e-mail this afternoon I hope?

Michael Friesbie: Actually read it on the way down.

Ed Meehan: Okay, I didn't want to catch him blindsided because this is something that really has to be discussed very thoroughly. What I would like to do is put the agreement out in front of the Commission and talk to you about why I think the agreement needs to be modified as presented by Hunter Development. I don't think it protects the Commission as to what you wanted to do, or fulfills what the Commission thought you could do as far as working with this applicant to get, not just the gas station, but get a complete gateway site. Then also Hunter has provided by letter form their thoughts about how they would coordinate the off site traffic improvements, roadway improvements with the adjacent property owner, cost sharing the project. So, with the Chair's permission I would like to walk you through my staff report and then maybe you can have the developer respond to it. I don't think you want to go, maybe let this digest tonight, it's complicated, and see where you want to go with this stipulated agreement. If you don't want to change anything, the discussion is over. If you want to think about re-ordering it, modifying it, then I think it deserves more discussion and eventually should be submitted to your Town Attorney for review. It may have to go back to court.

What I have and I don't expect all of the Commission members to read this and get into the details tonight, because it is a complicated agreement. What I say in this staff report is, as I just said I gave you the background on how we arrived at a stipulated agreement and also the statutory limits for site development in Connecticut. The statutes permit a site up to five years to

complete site improvement. You can get up to an additional five years with the approval of the Commission, so those are things to keep in mind. This site has until essentially 2012 to complete its work as approved and could get extensions up to 2017. Ten years total. I'm recommending that the Commission reject the proposal that was submitted by Hunter Realty, Hunter Development's attorney. You should have gotten that in the mailing. That was basically suggesting that the gas station be permitted to go forward, with the retail building being constructed through the roof. That would be phase one. Then phase two would be the pad site for the restaurant and the bank and then the hotel being, well part of phase two, but further out, you know, up to eighteen months possibly. So I'm suggesting that the Commission look at that, and tighten that proposal up substantially to clarify a better understanding of what is going to be done in the phasing, what type of improvements would happen there, and essentially getting more of the site completed up to, in phase two I'm calling it, up to a binder course with the retail store being completed, as approved, the façade elevations approved by this Commission, the restaurant and the bank sites be prepped in the way of pad sites with utilities being provided, that section of the project being constructed through the binder course. All the utilities in. It doesn't mean that you have to have all the islands in, you don't have to have all the light standards in, you obviously haven't got the landscaping at that point but the basic frame work of the site is in. All your underground utilities, all your drainage components, there's two fairly good size drainage systems on that side of the site that they are in and all the frontage of the property along East Cedar Street and Russell Road would be completed as approved on the plan. By that I mean it's not just rough graded, it's loam, seed, landscape, and stabilized, the welcome sign is in, so the public coming into town, they are being presented with a finished site. That is the second phase.

The third phase, this is my concept, would be the hotel pad site area. That would be rough graded with the detention basin put in, the utilities would be stubbed off, and the site, that portion of the site which is the northerly portion of the site would be graded and stabilized with the erosion control measures called for on the site plan, and that would be set aside for the future. When those phase two and three, the retail store, the bank, and the restaurant and the hotel phases are complete per this agreement, then the developer gets the certificate of use and occupancy for the gas station. That is somewhat similar to the original agreement, but this agreement is a little bit of a compromise. We're not saying he has to have the bank built, we're not saying that he has to have the restaurant built, we're not saying that he has to have the hotel built, footings and foundations. But essentially the phase two part of it is up to a binder course, unfinished work is bonded, the hotel is rough graded, utilities stubbed off, drainage in and then he can go forward with the occupancy of the gas station/convenience store. The other rub in all this is the off site improvements and we're getting that through the State Traffic Commission, possibly coordinating that with a neighboring developer depending on the timing of that, are important to this site. That was the other key consideration that the Commission had when they put that stipulation together was one, they wanted a gateway site because they changed the zone from Industrial to Berlin Turnpike Business, permitting the hotel to be built there, they also amended the zoning regulations to permit a four story hotel on the Berlin Turnpike, which gives you more for this use, so that was a benefit to the development site. The second thing was the traffic safety. The issues all around the location of a traffic signal and new intersection on East Cedar Street, the grade on the hill, the weaving coming off of Berlin Turnpike and so forth. The Commission I think felt that much of that had been worked out but because they are state roads, both Russell Road and East Cedar are state roads, the ultimate decision maker on that is the Department of Transportation, so they have to be satisfied.

So those are my suggestions and reactions to what Mr. Friesbie's attorney has put forward. I think you want to try to get a more complete site here, but try to be fair and reasonable given the economic climate. I think it's fair to say that you're not going to probably see a hotel in there in the near future, maybe within the five year construction window. Some of these other uses are very problematical but one of the things that we are not supposed to look at in zoning is the economic side of this stuff, but I think you have to be pragmatic about this stuff, and say, you

can't ignore it. You can't base your land use approvals on the economics, but we're past land use approvals. This site has a zone change, a special exception, and site plan approval. The question is how you bring this on to development. How you get this into development, and can a compromise be reached that protects the interest of the Town but still makes it economically feasible for a developer to do this. This gentleman has bought the site, he's put money into knocking the building down, has put a lot of money into engineering and lawyers, I don't think you want, we don't want to look at that foundation for another five years if we don't have to. That would be my, as your Town Planner, looking at the appearance of Town, gateway site, the economic development is important to our operations here and the quality of Newington, we don't want to look at a foundation for the next five years, I don't think you do anyway. So that's what I have to say about that, I'd be interested in the developer's reaction, is this a no-go, is there a middle ground, the Commission, if you don't want to re-order the development then you just stick with the existing agreement. It's your call.

Commissioner Ganley: I went through my record of minutes and I pulled out the original agreement, I don't know if all the Commissioners have it.

Ed Meehan: They should have gotten the original agreement plus the amendment a couple of meetings back.

Commissioner Ganley: We should go through the thing line by line to see what the comparisons, what we agreed to and what they amended and then what Ed has outlined. It will take a little work.

Ed Meehan: There's a little chart there.

Chairman Hall: That chart is really helpful.

Ed Meehan: It takes a little, you have to digest this, and you have to be clear as to what you expect to be completed in each phase so that in fairness to both sides we know what we are going to have as a end product and any developer knows what it's going to cost him going into this. I think what you have right now before you as a proposed amendment is kind of vague. The second phase, is that brought up to a binder, is it rough graded, is the storm drainage in? To construct this site you have to bring a sanitary sewer line from the convenience store/gas station easterly out to Russell Road to tie into a sanitary manhole. So you have to go through this phase two. There's a lot of things that you have to do to make this site work from an engineering construction point of view that you can't side step. There's a logical way of going about this. I sat down with the Town Engineer, we went through some of the things that he saw from an engineering side, which influenced what I suggested in this agreement. It means bucks, it means dollars, it means getting financing and all those things that we don't get into.

Commissioner Pane: I thought they agreed to put in the retail building at the last meeting.

Ed Meehan: They did, through the roof. They said, build a building through the roof. Well, what does that mean, through the roof? Does that mean that you don't put any windows or doors in it? Do you build it pursuant to the plan that was approved? What I tried to do in here was clarify this. That you do build it as approved by the Planning and Zoning Commission, the façade arrangement. Now the developer may not have tenants, so his door arrangement, where he puts his windows, it may be premature to do that, and that's where that needs to be discussed. I think it's about a 9,000 square foot retail building, or 12,000 square foot retail building, you can build a shell, and you can secure it with utilities, and make it weather tight, but to put all the glass in, not knowing if you have two tenants, or five tenants doesn't make any sense. But we don't want a

building with plywood siding up there either I don't think, so I'm trying to find a middle ground here somewhere. Maybe you don't want a middle ground, I don't know.

Commissioner Schatz: Well I think originally we just didn't want a gas station standing there by itself, that we had a bad station on both ends of town, on the same street. I think that was basically the driver.

Ed Meehan: Well, this site lends itself to the development of a gas station very easily because you can look at this site as being developed in two thirds, one third, and the two thirds being closest to Russell Road is where you have your retail, your restaurant, your hotel. You can build this gas station independent of anything else. A right turn in, and your intersection out. You just have to run that sanitary sewer line though and do some drainage, but that's something could happen. If the Commission says, go ahead, build the gas station, but in exchange for that we want these other things done, up to a certain level, that's what you have to talk about.

Commissioner Schatz: Well, that's what the original agreement was about, really, at that point in time. You know, I've been thinking about this, and reading some of the material that I have at home, it's just a gut feeling that the State is really handicapping these people. You know, they are making them run a two legged race with one leg tied, for all of the things that they want, which is expensive. So you put all the expense over here into roads, then maybe you just don't have enough expenses to pour into the project. I mean, we're not supposed to look at that, but I'm not sure where the State of Connecticut is on that. They talk about improving, they talk about all kinds of things, making Connecticut better, and towns better but then they sort of bog down.

Ed Meehan: Well, I met with the developer and the Town Manager and we sat together and there is a role that the Town may play in this in discussions with the Department of Transportation and I think the Town Manager expressed a willingness to do that, but he needs to know where this Commission is with this agreement, and we would like to know where this developer is, and another interested developer in the adjacent property. Are they going to get together on an access road and traffic signal before we go down to ConnDot. We don't want to go down there half baked, so to speak. We need to know that, the Manager needs to know that the land use people, this Commission has their agreement with the developer, and that we're going to go down there with a unified presentation. I think they are doing some things over on the Wethersfield side here, with the realignment of the off ramps, and the traffic that goes beyond what this site should be responsible for. There is a level of service there now, and they are trying to correct an existing level of service. This project doesn't tip the scale, in my opinion, on that, but that is one of the messages that we will try to take to ConnDot. There are three traffic signals involved in this site, well over two million, two million off site, is that what it is? That translates into sixty, seventy dollars per square foot, if you can build this. Maybe more, who knows.

Commissioner Schatz: Well, I sure want to see the site go forward, that's for sure.

Chairman Hall: Mr. Friesbie, have you had a chance to review this, would you like to come forward and give us some of your views?

Michael Friesbie: Good evening, for the record, my name is Michael Friesbie and I'm with Hunter Development Company. I did have a chance to review it briefly before I came down, I just had another chance to look at it again, and I think Mr. Meehan did a very good job of breaking down and being more specific, I think a lot of the things that he has in here were based on our intent, but may not have been part of the original draft from my attorney. Just for the benefit of the board, our intent is to build that retail building the way that it looks on the plan, as close to being finished as possible, with some minor adjustment for tenant fit out but it is going to look like what had been proposed and the infrastructure, meaning the pad sites will make the pad sites as close

to ready as possible, meaning stubbed out with the utilities, as well as down to the binder code, for traffic in and out of the site, with the underground retention, all that, what I call infrastructure, would be included in our plan, as part of that. He also makes a very good point, that we would need still to go to the DOT and get some sort of relief based on what their requiring us to do in regard to access, and that 2.2 million dollars in off site costs, if we can get some relief from that then obviously we can bring some of those monies back to the site to finish it. It's going to be a cooperative effort I think in order for us to get to that point based on our negotiations and dealings with the DOT right now. I'd be happy to answer any questions.

Chairman Hall: Anyone have any questions for Mr. Friesbie at this point?

Commissioner Pane: I think what he is requesting is more than reasonable, I think that the original requirements from this Commission were pretty restrictive and I think that with the way that the times are, I think with him putting the retail development together I'm sure he is going to want to get tenants in there right away, so I'm sure he is not going to have plywood up on the windows, get that rented out, build the gas station, all the infrastructure, I think that is a plus, and I think we should do everything we can to try and help him out, to get that development done, and I think we should go to bat for him, the Town should go to bat for him for the State of Connecticut because it seems like the State is trying to get this first developer to pay for all of the road improvements, for future people coming to other areas of the Cedar Street area.

Chairman Hall: Any other questions or comments? It almost sounds as if we might be breaking this into two phases instead of three. It's almost as if one and two would be more of a one, not completely built out, and I think the big crux is the hotel. I think that is what everybody agrees because that's much farther down the road.

Michael Friesbie: The one thing that I did notice in here was the underground detention for the hotel piece and based on our current agreement with the hotel developer it would be his responsibility to do all of the on site improvements for the hotel piece. We could probably break that down a little farther as part of our discussions to see how we are going to go about being sure that that portion of it, we could grade it out, get it ready for them, but the actual construction of that, we may be able to work with the Town for a better plan for that.

Ed Meehan: Is that going to be a ground lease, that area?

Michael Friesbie: It's actually going to be considered a commercial condominium so instead of leasing it for ninety-nine years, my attorney worked out an agreement where they would actually be the owner of the portion where the hotel is going to be, it would be condominiumized.

Ed Meehan: And they would be part of a REA, real estate agreement, to do all of the maintenance and so forth.

Michael Friesbie: Correct.

Ed Meehan: The big difference, phase one, gas station/convenience store, when they ask for the c.o. as any typical site, they have to have everything done right up to the handicapped striping and the signs, and if they haven't got the landscaping in, it's not seeded and loamed, it's not the right time of year, we can bond that, but the finished course is in, you know, it's basically a safe operational area for the public to use. Phase two, that's an area that you want to keep the public out of. It's not the binder course is sufficient to keep the site stability, and I think that is the difference really, between the two phases. Phase three, the hotel, that's just, that's just rock and dirt.

Chairman Hall: With stubs.

Ed Meehan: With stubs, underground stubs. This again, discussion with the developer who is going to build this needs to be part of, more input into this agreement, understand what works from his side of the table too. If you have an agreement that the detention basin, we call it on the plan, retention area four, is the responsibility of whoever is going to be part of that commercial condo operation and maybe that is something that the Commission can look at. Those are some of the fine tunings of this agreement. The big issue is the sense of the Commission to re-order this. The original agreement says you have got to have your footings, your foundation and the building permit for the hotel, that's not in the cards right now, then, does this agreement work, are you comfortable enough to feel that you are getting enough of this site, as a gateway site, to let him go ahead with the gas station. That's your call. I can work with the developer, his attorney, our Town Engineer to make this, you know, the technical part of this work, so we would be protected and there is going to be bonding requirements in here. He could belly up, and we have to have something to protect the Town as far as the bond. I'm not saying that we take a bond for the hotel site. We don't care about that, but if you're up to a binder course you want the rest of this to be finished, you want the front of this, the face that people are going to see when they come into Newington to be finished. That's why the bond, that surety would be your protection there.

Chairman Hall: Other questions? All right, then what we will do, we will take all of this back, study it, and we will be back a week from now, not two weeks from now, a week from now, it will be our job to fill in the people who are not here tonight so that when they come back to the table next week they at least have the information that we have now. Peter, we will see you on the following, because it probably will continue. It's not going to be tied up in two minutes.

Ed Meehan: Do I have the Commission's permission to talk to Mr. Friesbie about some of the things in here?

Chairman Hall: I think so, everybody comfortable with that?

Ed Meehan: I'd like to meet with him and the Town Engineer just to make sure this is logical.

Michael Friesbie: Actually we have a lot invested in the project and we are looking forward.....

Chairman Hall: Well, we all are, because we don't like looking at that up there either, so.....

Michael Friesbie: Thank you very much.

XI. STAFF REPORT

A. 2006-2016 Plan of Conservation and Development

Chairman Hall: We're onto the Plan of Conservation and Development which we also had a copy, does everybody have a copy? I think that was this week.

Ed Meehan: Right, it's the revised schedule that Domenic was talking about. Let me go back to that. The reason that that was revised since the last meeting, I went back and talked to Planametrics, one of the three consulting firms that gave you a proposal to do the Plan, and asked them to re-look at their proposal as far as cost and work product, and what they came back with was reducing the cost and adding some additional carrots to see if we would go with them. A couple of the carrots are helping us do the publication, camera ready work, getting this put together to take to a printer. They also agreed to do a little more with the GIS map products, but

they asked for an extension from 120 days to 180 days to put this all together. So looking at that, I took that into account so I revised the schedule, our work schedule a little bit. I also have to keep in mind there's a very unusual public hearing requirements with the Plan of Development, within the last couple of years the legislation has been changed. You have to send this to Town Council forty-five days before you expect the Council to give you a report on it. So you have to back it up forty-five days. You have to advertise your public hearing on the draft thirty-five days in advance, so I was looking at all the calendar schedules. I was also cognizant of the fact that we have Town Council elections in November. I didn't really want to straddle this between a Town Council that gets this in September or October, and then their forty-five days is up in January. If the Council changes, or this board changes, we're starting over again. We've been starting over for two years, I don't want to do that any more. We also have a contract requirement that this has to be done by June of 2010 with OPM with this grant. So I talked to the Chairman and I went down, I sat with the calendar and the dates in here are target dates to get this draft done, except for public hearing in, I think it's July, on the information, get it finalized and sent to Council in August so that the forty-five days is over in time for the existing Council which is in office now to have a chance to be part of this process, as well as other boards and commissions. So, it's a schedule, that given our work load, given my work load without a lot of development projects, I can accomplish it. Planametrics is committed to providing us their staff to do it. Going back to Domenic's question, the work for the Commission is to give guidance on strategy and policy in the vision. That is the important part. We can crank out the demographics, and the land use changes and that, that's staff work, but we need to get by your first meeting in March, we need to start talking about some strategies, talk about a vision statement, and start putting those together as a group so that by the end of June we have that in draft form, that is what this new schedule talks about. Planametrics e-mailed me their proposal, Monday I got it, I've given it to Jeff Baron, our business manager to make sure that it meets his requirements, and they have the proper insurances. If it passes muster, we're ready to sign a contract with them. The Town Manager is ready to sign the contract and get them started next week. That's where we are with this right now.

Chairman Hall: Does that answer some of your questions?

Commissioner Pane: Not really. Some. I mean, we were supposed to start this, with all due respect, months ago, we were supposed to take the Town Plan of Development, we sat here as a Commission and we said, let's dedicate x amount of time to this Plan of Development and let's go through it page by page so that we can see what we want to keep in, what do we want to take out. That is our first step. The format is going to be pretty much the same as the last one except there is going to be some new charts and some new figures and stuff, which would be Ed's job, but we haven't gone through one page, we haven't even opened up that book yet. Now you're pushing these dates, but it's going to take some time to go through that page by page, and my question was, when are we going to start this? When you have a completion time of March, in thirty days, it doesn't leave enough time to go through that book.

Ed Meehan: Well, the components, my work as far as analyzing what our policy was in the '95-2005 Plan, I've given you that information. You're right, we need to sit down and go through the land use component, the housing component, and the other components and say, here is what we have done, here is what we haven't done. What do we keep in, what do we take out? What is new that we didn't have ten years ago. What's new on the horizon? We didn't talk about transit oriented development ten years ago. We didn't talk about Brownfield sites. We have less land to use than we did ten years ago. What do we do?

Commissioner Pane: I don't think it's going to take us a long time to go through it, but I think we just have to dedicate as a Commission, dedicate the time on our agenda, to spend x amount of time going through page by page, and if we get three pages done, great, if we get five, great.

Dedicate some time to it, go through the existing Town Plan and check off what is good, what's not good, and what we want to make changes, then we can input other stuff as new data comes in, so we can move this thing along.

Ed Meehan: Do you recall talking about, the two columns, existing.....

Chairman Hall: Several times.

Ed Meehan: That is what I need, I need feedback.

Commissioner Schatz: Amazing how some of these things are right on target.

Ed Meehan: A lot of things were done, a lot of things we are still trying to do, but if we are still trying to do them, maybe they belong in the new plan, to keep trying to accomplish them. There's, I think there's some things, given Newington's demographic changes, obviously the population is getting older, given our land supply which is dwindling, that message was in the prior plan, and given some big regional opportunities for transit oriented development, the busway, if it ever gets built, or this New Haven-Hartford rail line, if it ever gets built, the western third of Newington from a planning point of view, has opportunities where you can do different types of development. You can recycle some older sites, some miscellaneous commercial sites, Cashway, and some of the land around Cashway, up around Spring Street, could possibly be large redevelopment areas, and we need to talk about density. Housing density, because that is going to drive a developer putting the time and money into making those sites, bring them back alive. That's a big issue. It's always been a policy issue, keep Newington's scale as a suburban community, fairly low rise, between New Britain and Hartford.

Commissioner Schatz: That busway, it seems as if it flares up and they talk a lot about it, and then it sort of dies down.....

Chairman Hall: And people leave and new people come on.

Ed Meehan: We constantly have, we're meeting with the Department of Transportation on Cedar and Fenn and National Welding site, and we get assurances, the last assurance we got was with the Mayor in the room, Town Manager and myself, and Mr. Hayes, who is part of that busway project over there, that they were going to build the busway. Then you read in the paper the next day that the legislators from Bristol and Plainville want to talk about a rail line. So, there's the bureaucracy that started to snowball and they are committed to building it, along with the Federal Transit, and then there are people who are sniping at it on the side, saying, well, we could build a rail line. Either way, I think Newington makes out because it creates two transportation corridors through Newington.

Commissioner Schatz: And I think the old junction over there was a main component of this thing, where the busway and the trains all sort of converge on one spot.

Chairman Hall: All right, so for next time, why don't we have enough copies of that blue book, because I know that we all have them, so get enough for everybody, and we will start, we will dedicate in this section, right after public participation we'll do it as a ten, we'll move everything up, and we'll take some time at every meeting.

Commissioner Pane: As a matter of fact, you should let all the Commissioners know to look through the first three pages ahead of time.

Chairman Hall: More like two chapters.

Ed Meehan: I'm going to re-send the material.

Chairman Hall: A lot of it is just going to be re-inventing the wheel, so there is just going to be a lot that we are just going to pass by.

Ed Meehan: I will re-send the analysis of, all of this book, and I'm going to suggest that we go through Economic, Housing, let's do economic and housing. Demographics is what it is. We're getting old, the age of household is getting older, it's not going to change.

Chairman Hall: The stock of housing is getting older.

Chairman Hall: Now this company that is helping you, if you are using the same format as that, there shouldn't be a big deal, pricing wise.

Ed Meehan: No there isn't. In fact.....

Commissioner Pane: Did you cut them down in half?

Ed Meehan: No, I didn't cut them in half, I cut them down to sixteen, plus that sixteen includes a couple of more work products plus the camera ready set-up for

Commissioner Pane: Which you have.

Ed Meehan: No, we don't do that in house, we would have had to go out and get somebody to do it. We got a graphic artist to do it for this one. They are going to do that. That leaves \$3,000 to get printed.

Commissioner Pane: What's he doing?

Ed Meehan: Who?

Commissioner Pane: This guy for sixteen grand.

Ed Meehan: He is going to do all the demographic analysis, the economic analysis, the fiscal impact, the municipal government stuff, I mean, the information is not hard to get, it's various sources, it's the U.S. Census, Capital Region Council of Governments, Connecticut Data Center, he's going to put it all together and update it. It's time consuming more than anything else. It's going to be, he provided a format of a plan they recently did down in New Canaan, as how he would approach this. One of the things that we haven't got, we don't have this Plan electronically, and I asked them if they could look at scanning this for us so we could put it up on our web site, electronically. By doing it electronically a lot of the tables in here, they have to take and move them out ten years, they can go from 1978, saves them some time, but we get it electronically. I'm satisfied with the arrangement that we made, we got \$20,000 from OPM, let's use it. Three thousand will get a pretty good printing stock, but we are required by statute to put it on our web page now. We don't have that.

Chairman Hall: It's causing a problem state wide.

Ed Meehan: Yeah, it's one of those mandates, the small towns.....

Chairman Hall: Killingly, Amston, may have somebody that comes in and does it by hand. Any other questions at this point?

XII. ADJOURNMENT

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Ganley. The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary